



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
David W. Perrego :
Application No. 09/740,169 : **DECISION ON PETITION**
Filed: December 19, 2000 :
Attorney Docket No: 416-001 :

This is a decision on the petition filed on December 15, 2003 by which petitioners request supervisory review of the examiner's refusal to enter the amendment after final action dated October 15, 2003, and entry of that amendment. This petition is being considered under 37 CFR 1.182.

The petition is GRANTED.

A review of the application record shows that the proposed amendment to claim 1 "standing" was recited in previously considered claim 7, which recited "said frame means is free standing...". Thus, it appears that this limitation was previously considered by the examiner.

Similarly, the additional limitation "downwardly" appears to be inherently part of the claimed subject matter of previously considered claims 9 and 10, as claim 9 recites the harness means "to flexibly depend from said frame means"... "before the person voluntarily steps to a vertical, gravity traction suspension position". Thus, it is clear that the harness means inherently depends downwardly, since that would be the only way for a user to don the harness.

Additionally, the limitation "Assuming said vertical traction position" appears to be present in previously considered claim 9, which recites "before the person voluntarily steps to a vertical, gravity traction suspension position."

Thus, it appears that the after final amendment may be entered without the creation of any new issues. Such amendment will be entered, and the Notice of Appeal and Appeal Brief will be considered as filed.

PETITION GRANTED

Nicholas D. Lucchesi, Supervisory Patent Examiner
Technology Center 3700